Planning Bylaw Amendments

May, 2002

Contents ..... **Page**

Introduction 2

Step 1 - Resolution to proceed 2

Step 2 - Draft Bylaw(s) 3
Making Certified Copies 3

Step 3 - Public Notice 4

Step 4 - Public Hearing 5
Altering a Bylaw 5

Step 5.-.Bylaw Adoption 5

Step 6 - Ministerial Approval 6
Statutory Declaration 6

Saskatchewan Government Relations and Aboriginal Affairs
Municipal Relations Division
Community Planning Branch

Southern Region
1855 Victoria Avenue
REGINA SK S4P 3V7
Phone (306) 787-2725
Fax (306) 787-8748

Central Region
122 3rd Avenue North
SASKATOON SK S7K 2H6
Phone (306) 933-6937
Fax (306) 933-7720

Northern Region
800 Central Avenue, Box 3003
PRINCE ALBERT SK S6V 6G1
Phone (306) 953-2400
Fax (306) 953-2408

Introduction

The Planning and Development Act, 1983, (the Act) allows a council to amend a zoning bylaw to add or up-date regulations, or to rezone land to allow for subdivision and development.
A zoning bylaw amendment may be processed in conjunction with another bylaw to amend the municipality's *Development Plan* (DP) or *Basic Planning Statement* (BPS).

All bylaws to amend a DP, BPS or zoning bylaw require ministerial approval except for certain zoning bylaw amendments in urban municipalities. An urban zoning bylaw amendment that is in compliance with an existing DP or BPS becomes effective when the council adopts the bylaw. It is possible to jointly process related amendments to a DP or BPS, and a zoning bylaw, and request ministerial approval for all the amendments at the same time.

Before amending a zoning bylaw, the clerk or administrator should advise council to consider if the changes will:

- comply with all land use, staging, and servicing policies in any DP or BPS;
- ensure that adjoining land uses are compatible to minimize land use conflicts;
- impose reasonable regulations (e.g. lot sizes and building setbacks); and
- conform to provincial standards.

Step 1 – Resolution to Proceed

If council decides to proceed, it should pass a resolution authorizing the administrator to prepare draft amending bylaws [49 or 61 and 67(3)]*. The resolution should also authorize giving the required public notice [207].

If council decides not to agree to a request for an amendment, council should authorize the administrator to write the applicant indicating that the bylaw will not be amended. Council's decision on whether or not to amend a bylaw cannot be appealed, except where council refuses to remove an "H" holding symbol [84(4)].

Copies of draft bylaws and notices may be submitted for preliminary comments to Community Planning Branch.

* [#] refers to sections of *The Planning and Development Act, 1983*

Step 2 - Draft Bylaw(s)

A separate bylaw is needed to amend a zoning bylaw, BPS or DP. The example shown to the right may be revised as needed for other types of bylaws.

For text amendments, there must be specific reference to the bylaw sections being added, deleted, or amended.

When attaching a map (reductions are allowed), add the following wording with an original signature and the municipal seal.

This map forms part of Bylaw No._____

Signature SEAL
(Administrator/Clerk)

After the bylaw is ready, prepare a notice per Step 3.

Name of Municipality
Bylaw No.____

A bylaw to amend Bylaw No._____ known as the Zoning Bylaw.

The Council of the (name of municipality), in the Province of Saskatchewan, enacts to amend Bylaw No._____ as follows:

1. Section 7.5 M-Industrial District, subsection (1) Permitted Uses, is amended by adding immediately after sub-subsection (viii), the following new sub-subsection:

   "(ix) Steel manufacturing and fabricating".

2. The Zoning District Map referred to in Section 6 is amended by rezoning from A-Agricultural District to M-Industrial District all the land shown within the bold dashed line on the attached plan of proposed subdivision dated (m/d/y) and signed by (name), S.L.S., which forms part of the bylaw.

3. This bylaw shall come into force and take effect when ...
   - approved by the Minister. [all BPS, DP & rural bylaws]
   - adopted by Council. [urban zoning amendments only]
   - the Minister approves Bylaw #. [if a DP or BPS amendment must precede a zoning amendment] [See Step 5 for more detail]

SEAL

(Mayor/Reeve) (Administrator/Clerk)

Leave space for making certified copies

A council may give a bylaw first reading before proceeding with advertising and holding the public hearing. Second and third readings cannot occur until after the public hearing. (See Step 5)

Making Certified Copies

Use photocopies of the original signed bylaw. Certify each copy using the wording to the right ➜ with an original signature and the municipal seal.

Certified a true copy of Bylaw _____ passed by Council on mm/dd/yyyy A.D.

Signature SEAL
Administrator/Clerk

Step 3 - Public Notice

A council must publish it's intention to amend a planning bylaw. The notice must be published once a week for 2 consecutive weeks in a local newspaper. The first advertisement must be at least 3 clear weeks before the hearing (i.e. the hearing must be on the 22nd day). Other advertising methods may be allowed with prior ministerial consent. [207]

Newspaper ads are not required when removing an "H" designation; however, Council may require a developer to post notices at a site [84(2) & 84(3)].

The example to the right involves a zoning bylaw amendment. A notice may combine a related amendment to a BPS or DP, and notice of a related street or road closure.

For a text amendment of general application, describe the type(s) of property and zoning districts affected. If a text amendment affects specific property, identify the land by legal description, and by street address, landmarks, or a map.

If amending a Zoning District Map, the notice **must** have a map showing the affected and surrounding areas, and a copy must be sent to each affected landowner [209].

The affected land can be shown shaded, outlined, or crosshatched.

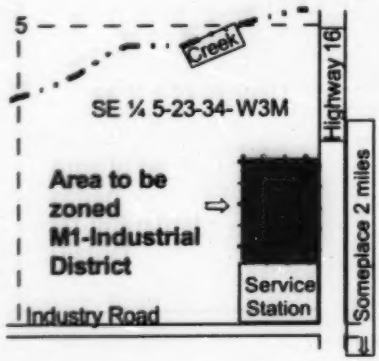
Copies of the notice and draft bylaw must be available, at cost, to any person [208].

NOTICE

Public notice is hereby given that the Council of the (name of municipality) intents to adopt a bylaw under *The Planning and Development Act, 1983* to amend Bylaw No. _____, known as the Zoning Bylaw.

INTENT Summarize as in the following example
The proposed bylaw will add steel manufacturing and fabricating as a permitted use in the M-Industrial District, and rezone from A-Agricultural District to M-Industrial District the land described below.

AFFECTED LAND Give legal & general descriptions
The affected land is legally described as part of the SW ¼ Section 5-23-34-3 shown on a plan of proposed subdivision dated (m\d\y) and signed by (name) S.L.S. The land is immediately northwest of the intersection of Industry Road and Highway 16 about 2 miles north of Someplace as shown on the following map.



REASON Always be as specific as possible.
The reason for the amendment is to provide for the development of a manufacturing plant to make grain storage bins and grain boxes for trucks.

PUBLIC INSPECTION
Any person may inspect the bylaw(s) at the (municipal) office between (times) on (days) excluding statutory holidays. Copies are available at cost.

PUBLIC HEARING
Council will hold a public hearing on (m/d/y) at (time) at (location of meeting) to hear any person or group that wants to comment on the proposed bylaw(s). Council will also consider written comments received at the hearing (or delivered to the undersigned at the municipal office before the hearing).

Issued at (name of municipality) this (mm/dd/yyyy).
Signed: (Administrator/Clerk)

Step 4 - Public Hearing

At a hearing council must listen to any person who wants to make representations and may receive written comments about the amendments. Under the principles of natural justice, council must give fair opportunity for and fair consideration to any comments received.

A hearing may be held during a council meeting if council passes a resolution to suspend the meeting and open the hearing. [207(3)d) & 210 have more details]

If objections are received, council may:

- withdraw the bylaw;
- proceed with the bylaw; or
- alter the bylaw to address the objections.

Altering a Bylaw: For major alterations (e.g. new text), Council must advertise the proposed changes and hold another hearing at which representations can be made only about the alterations. For minor corrections (e.g. typo's) that do not change the bylaw's intent, Council may consult Community Planning Branch about the need to advertise the alterations. [211]

Step 5 - Bylaw Adoption

Bylaws may be adopted **only after** the public hearing. If the bylaw was given first reading when it was drafted, second and third readings can be given at a council meeting following the hearing. With unanimous consent to do so, all three readings may be given at the same council meeting, or council may give first and second readings at one meeting and third reading at the next.

A zoning amendment must conform to the provisions in a DP or BPS. If an amendment to a BPS or DP must be made to allow a zoning bylaw amendment, the DP or BPS amendment requires ministerial approval (Step 6) before council may pass the related zoning bylaw. A council may delay passing the zoning bylaw amendment until the BPS or DP amendment has ministerial approval, or word the effective date clause in the zoning bylaw amendment to indicate that the zoning bylaw amendment takes effect upon the approval of the bylaw amending the BPS or DP (see possible wording on page 3).

In rural municipalities, all BPS, DP or zoning bylaw amendments require ministerial approval. The amending bylaws may be combined under one application (Step 6).

In cities, towns and villages, all BPS and DP amendments require ministerial approval. Where a proposed zoning bylaw amendment is in compliance with an existing BPS or DP, the zoning amendment takes effect when council gives the bylaw third reading. The administrator must send a certified copy of a zoning bylaw amendment to Community Planning Branch **within 15 days of date the bylaw was passed** [89(4)].

Step 6 - Ministerial Approval

To apply, send Community Planning Branch a statutory declaration like that below along with:

- two certified copies of the bylaw(s);
- copies of the newspaper ad or other notice used; and
- copies of any submissions or meeting notes.

The wording in may revised as needed. A declaration may reference two bylaws (e.g. a DP or BPS and a zoning bylaw). Clause 4 may be deleted when not needed and the remaining clauses renumbered. Clause 6 may state That no representations or submissions were received.

Statutory Declaration

CANADA
Province of Saskatchewan

In the matter of *The Planning and Development Act, 1983* and a Bylaw adopted by the (name of municipality) to amend Bylaw No.____ known as the _____.

I, (use full legal names - no initials), of the (name of municipality) in the Province of Saskatchewan, do solemnly declare:

1. That I am the (Administrator/Clerk) for the (name of municipality) and as such have personal knowledge of the matters herein.

2. That attached hereto as Exhibit "A" are two certified copies of Bylaw No._____ passed by the Council of the (name of municipality) at an open meeting duly convened and held on (mm/dd/yyyy), there having been a quorum present.

3. That attached hereto as Exhibit "B" is a copy of the notice that was used to advise the public of the proposed bylaw and that appeared in the (name of newspaper) which circulated in the municipality for two successive weeks on (mm/dd/yyyy) and (mm/dd/yyyy).

4. That a copy the notice was sent to each affected landowner by (personal delivery, certified mail or other).

5. That a public hearing was held on (m/d/y) for Council to hear and consider representations or submissions concerning the bylaw.

6. That ___ representations or submissions were received which are attached as Exhibit(s) "C", "D", "E", and so on.

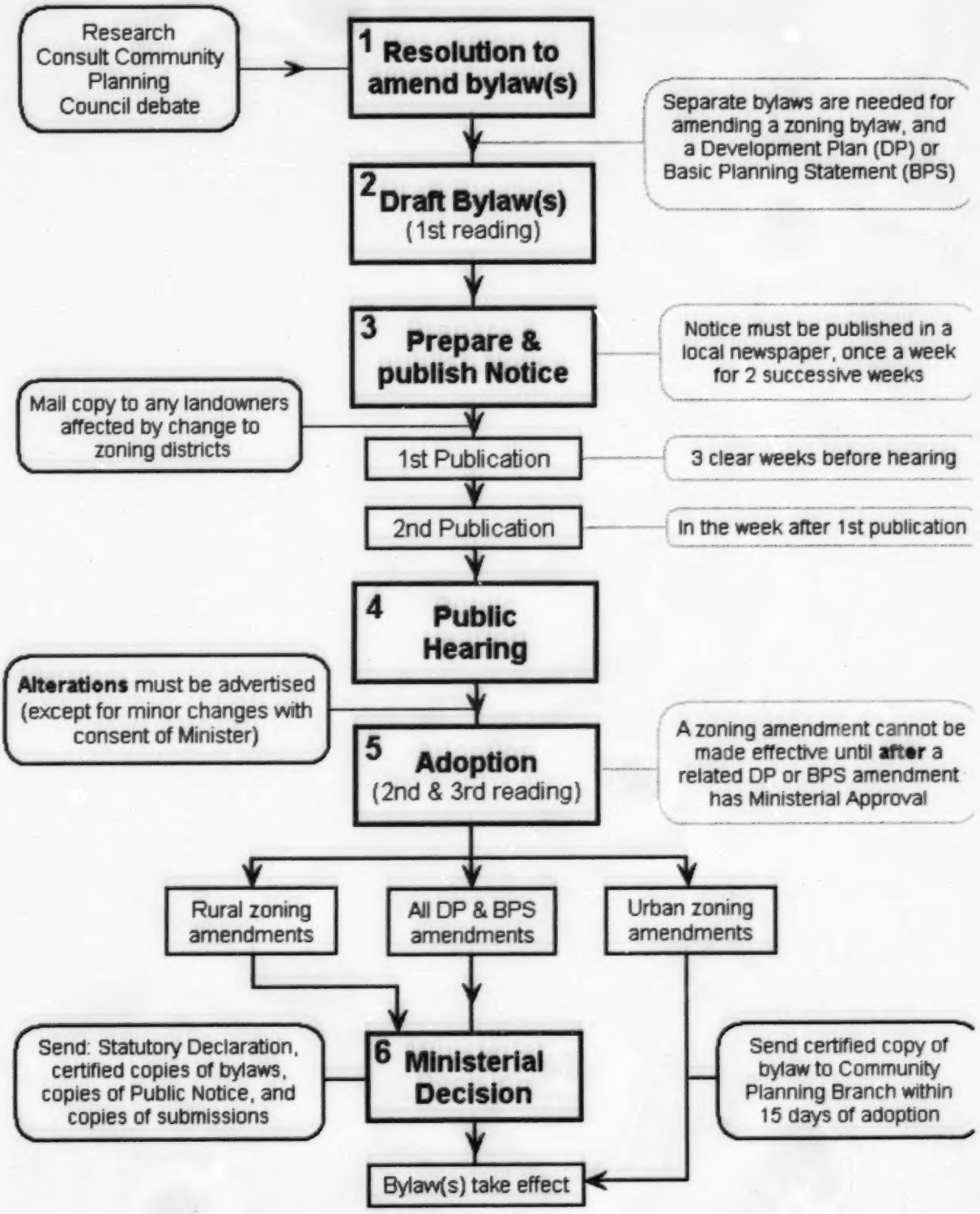
And I make this solemn declaration conscientiously believing it to be true knowing that it is of the same force and effect as if made under oath and by virtue of The Canada Evidence Act.

Declared before me at (municipality)
in the Province of Saskatchewan
this ____ day of _____, 20__AD.

_____
Signature
A Commissioner of Oaths in and
for the Province of Saskatchewan.
My Commission expires _____

_____
Signature
(Administrator/Clerk)

Planning Bylaw Amendments


Research
Consult Community
Planning
Council debate
1 Resolution to amend bylaw(s)
Separate bylaws are needed for amending a zoning bylaw, and a Development Plan (DP) or Basic Planning Statement (BPS)
2 Draft Bylaw(s)
(1st reading)
3 Prepare & publish Notice
Notice must be published in a local newspaper, once a week for 2 successive weeks
Mail copy to any landowners affected by change to zoning districts
1st Publication
3 clear weeks before hearing
2nd Publication
In the week after 1st publication
4 Public Hearing
Alterations must be advertised (except for minor changes with consent of Minister)
5 Adoption
(2nd & 3rd reading)
A zoning amendment cannot be made effective until after a related DP or BPS amendment has Ministerial Approval
Rural zoning amendments
All DP & BPS amendments
Urban zoning amendments
Send: Statutory Declaration, certified copies of bylaws, copies of Public Notice, and copies of submissions
6 Ministerial Decision
Send certified copy of bylaw to Community Planning Branch within 15 days of adoption
Bylaw(s) take effect

April 2002